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7 Attorneys for Defendant  
NETFLIX, INC.

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 JOSE VARGAS JR., an individual, on his )  
own behalf and on behalf of all similarly )  
14 situated, )  
15 Plaintiff, )  
16 v. )  
17 NETFLIX, INC., a Delaware corporation, )  
18 Defendant. )  
19 \_\_\_\_\_ )

CASE NO.: C 07-03802 WHA  
**CASE MANAGEMENT  
CONFERENCE STATEMENT BY  
NETFLIX, INC.**

1 On October 16, 2007, Plaintiff Jose Vargas Jr. filed a notice of his intent to voluntarily  
2 dismiss this action. A Case Management Conference is on calendar for October 25, 2007.  
3 Netflix, Inc. ("Netflix") will attend the Case Management Conference unless the Court instructs  
4 otherwise. Netflix's position on the case is that, in light of the Court's recent orders in the  
5 related action *In re Netflix Antitrust Litigation*, No. 07-00643 WHA, this action should likewise  
6 be dismissed on such terms as the Court deems appropriate.<sup>1</sup>

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8 Dated: October 18, 2007

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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10 By: /s/ Maura L. Rees  
11 Maura L. Rees

12 Attorneys for Defendant Netflix, Inc.  
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26 <sup>1</sup> In light of the dismissal notice filed by plaintiff on October 16, Netflix is not addressing the  
27 full list of issues that are usually included in case management statements. Netflix sent a draft of  
28 this statement to plaintiff's counsel to provide plaintiff the opportunity to join or add to the  
statement, but has not received a response.